

**SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 6, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jonathan Sater, Page.

Approval of Journal

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 5, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 89, as amended, **H 111**, as amended, **H 142**, and **H 219**

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

March 5, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1071**, **S 1054**, **S 1055**, and **SJM 101** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1071**, **S 1054**, **S 1055**, and **SJM 101** and, when so signed, ordered them returned to the Senate.

March 5, 2003

Mr. Speaker:

I return herewith **HJM 2**, **HCR 12**, and **HJM 3** which have passed the Senate.

WOOD, Secretary

HJM 2, **HCR 12**, and **HJM 3** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 330** and **H 331** and House Amendments to **H 232**, **H 269**, **HCR 13**, **HCR 21**, as amended, **H 199**, and **H 283**.

FIELD(18), Chairman

H 331 was referred to the Business Committee.

H 330 was filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 23**, **HCR 18**, **HCR 19**, **H 22**, **H 162**, **H 164**, and **H 165**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 23**, **HCR 18**, **HCR 19**, **H 22**, **H 162**, **H 164**, and **H 165**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 232**, as amended, **H 269**, as amended, **HCR 13**, as amended, **HCR 21**, as amended, as amended, **H 199**, as amended, and **H 283**, as amended.

FIELD(18), Chairman

H 232, as amended, **H 269**, as amended, **HCR 13**, as amended, **HCR 21**, as amended, as amended, **H 199**, as amended, and **H 283**, as amended, were filed for first reading of engrossed bills.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 147** to the Governor at 1:35 p.m., as of this date, March 5, 2003.

FIELD(18), Chairman

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have transmitted enrolled **HCR 16** to the Secretary of State at 1:51 p.m., as of this date, March 5, 2003.

FIELD(18), Chairman

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **S 1050** and recommend it be referred to the State Affairs Committee.

SCHAEFER, Chairman

S 1050 was referred to the State Affairs Committee.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 136** and recommend that it do pass.

CROW, Chairman

H 136 was filed for second reading.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 294** and **S 1056** and recommend that they do pass.

STEVENSON, Chairman

H 294 and **S 1056** were filed for second reading.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 218**, **S 1004**, **S 1005**, **S 1006**, **S 1007**, **S 1008**, and **S 1019** and recommend that they do pass.

FIELD(18), Chairman

H 218, **S 1004**, **S 1005**, **S 1006**, **S 1007**, **S 1008**, and **S 1019** were filed for second reading.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 281** and **H 306** and recommend that they do pass.

BLACK, Chairman

H 281 and **H 306** were filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 305** and recommend that it do pass.

DEAL, Chairman

H 305 was filed for second reading.

March 6, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 321** and recommend it be referred to the Local Government Committee.

DEAL, Chairman

H 321 was referred to the Local Government Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 332 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 333 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO THE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 23-927, IDAHO CODE, TO PROVIDE THAT CITIES MAY BY ORDINANCE ALLOW THE SALE OF LIQUOR BY THE DRINK ON CERTAIN DAYS AND MAY EXTEND THE HOURS OF THE SALE OF LIQUOR BY THE DRINK; AND AMENDING SECTION 23-1012, IDAHO CODE, TO PROVIDE THAT CITIES MAY EXTEND THE HOURS OF THE SALE OF BEER.

HOUSE BILL NO. 334 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO GOVERNMENT-OWNED INSURERS NOT TO BE AUTHORIZED TO TRANSACT BUSINESS IN IDAHO; AMENDING SECTION 41-309, IDAHO CODE, TO PROVIDE THAT NO INSURER OR AFFILIATE OF AN INSURER THE VOTING CONTROL OR OWNERSHIP OF WHICH IS HELD IN WHOLE OR SUBSTANTIAL PART BY ANY GOVERNMENT OR GOVERNMENTAL AGENCY OR WHICH IS OPERATED FOR OR BY ANY SUCH GOVERNMENT OR AGENCY OTHER THAN THE IDAHO STATE INSURANCE FUND SHALL BE AUTHORIZED TO TRANSACT INSURANCE IN IDAHO, TO PROVIDE THAT AN INSURER THAT IS EXEMPT FROM TAXATION UNDER SECTION 501(c)(27)(B) OF THE INTERNAL REVENUE CODE, AND ANY AFFILIATE OF SUCH AN INSURER, SHALL BE CONCLUSIVELY PRESUMED TO BE A GOVERNMENTAL AGENCY OR TO BE OPERATED BY A GOVERNMENTAL AGENCY AND TO PROVIDE A DEFINITION OF AFFILIATE.

HOUSE BILL NO. 335
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO SENTENCING CRITERIA IN DRUG CASES; AMENDING SECTION 37-2738, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SUBSTANCE ABUSE EVALUATIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-1502C, IDAHO CODE, TO CLARIFY A CODE REFERENCE.

HOUSE BILL NO. 336
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT COURTS MAY WAIVE ALCOHOL ABUSE EVALUATIONS IN CERTAIN CASES.

HOUSE BILL NO. 337
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO PAYMENTS TO COURTS; AMENDING CHAPTER 32, TITLE 31, BY THE ADDITION OF A NEW SECTION 31-3221, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF COURT DEBTS BY CREDIT CARD OR DEBIT CARD, TO DEFINE TERMS AND TO AUTHORIZE THE ADOPTION OF COURT RULES.

HOUSE BILL NO. 338
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO DEBTS OWED TO THE COURTS; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1624, IDAHO CODE, TO PROVIDE FOR THE SET-OFF OF CERTAIN STATE TAX REFUNDS AND CREDITS TO BE APPLIED TOWARD THE PAYMENT OF DESIGNATED DELINQUENT DEBTS OWED TO THE COURTS, TO PROVIDE A PROCEDURE, TO PROVIDE FOR PRIORITY OF CERTAIN CLAIMS, TO PROVIDE CERTAIN CONDITIONS, TO PROVIDE FOR ADMINISTRATIVE WAIVERS OF SET-OFFS, TO PROVIDE FOR REIMBURSEMENT OF REFUNDS SET-OFF IN ERROR, TO PROVIDE FOR A SUSPENSE ACCOUNT FOR THE PAYMENT OF AMOUNTS SET-OFF IN ERROR OR FOR THE REFUND OF BALANCES REMAINING AFTER A DEBT TO THE COURTS IS SATISFIED, TO PROVIDE FOR WAIVERS OF THE RIGHT TO CONTEST A SET-OFF, TO PROVIDE FOR OBJECTIONS RELATING TO JOINT RETURNS, TO PROVIDE FOR DEBTS THAT ARE NOT SATISFIED BY REFUND SET-OFFS, TO PROVIDE FOR THE APPLICATION OF PROCEEDS FROM SET-OFFS AND TO AUTHORIZE CERTAIN RULEMAKING AND AGREEMENTS.

HOUSE BILL NO. 339
BY WAYS AND MEANS COMMITTEE

AN ACT
RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3212, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL HAVE THE POWER TO MAINTAIN ACCESS TO FACILITIES AND WORKS BY THE REMOVAL OF SNOW FROM ROADS AND LANDS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 340
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE OFFICE OF THE GOVERNOR FOR THE STATE LIQUOR DISPENSARY.

HOUSE BILL NO. 341
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 342
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION.

HOUSE BILL NO. 343
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 344
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SHARING RESOURCES.

HOUSE BILL NO. 345
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2004; AND

LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 332, H 333, H 334, H 335, H 336, H 337, H 338, H 339, H 340, H 341, H 342, H 343, H 344, and H 345 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

H 232, as amended, by Local Government Committee, was introduced, read the first time by title and filed for second reading.

H 269, as amended, by Education Committee, was introduced, read the first time by title and filed for second reading.

HCR 13, as amended, **HCR 21**, as amended, as amended, and **H 199**, as amended, by Health and Welfare Committee, were introduced, read the first time by title and filed for second reading.

H 283, as amended, by Ways and Means Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 328, by Appropriations Committee, was read the second time by title and filed for third reading.

H 193, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 303, by Ways and Means Committee, was read the second time by title and filed for third reading.

S 1041 and **S 1042**, by Transportation Committee, were read the second time by title and filed for third reading.

H 312, H 313, H 314, and H 252, by State Affairs Committee, were read the second time by title and filed for third reading.

H 301, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 275** retain its place on the Third Reading Calendar until Wednesday, March 12, 2003. There being no objection, it was so ordered.

Mr. Sali asked unanimous consent that **H 202** be returned to the Health and Welfare Committee. There being no objection, it was so ordered.

Mrs. Crow asked unanimous consent that **H 193** be returned

to the Revenue and Taxation Committee. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **H 329** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 329 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall **H 329** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bradford, Campbell, Clark, Collins, Crow, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Nielsen, Raybould, Roberts, Rydalch, Sali, Schaefer, Smith(24), Stevenson, Tilman, Wood, Mr. Speaker. Total -- 40.

NAYS -- Andersen, Bieter, Boe, Bolz, Cannon, Cuddy, Douglas, Edmunson, Henbest, Jaquet, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Ridinger, Ring, Ringo, Robison, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills. Total -- 29.

Absent and excused -- Jones. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 329** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Friday, March 7, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:31 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk